Substitute House Bill No. 5450

Public Act No. 16-23

AN ACT CONCERNING THE PALLIATIVE USE OF MARIJUANA.

Be it enacted by the Senate and House of Representatives in General Assembly convened:

Section 1. Section 21a-408 of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

As used in **[**sections 21a-408**]** this section, sections 21a-408a to 21a-408o, inclusive, as amended by this act, and sections 10 to 14, inclusive, of this act, unless the context otherwise requires:

(1) "Cultivation" includes planting, propagating, cultivating, growing and harvesting;

(2) "Debilitating medical condition" means (A) cancer, glaucoma, positive status for human immunodeficiency virus or acquired immune deficiency syndrome, Parkinson's disease, multiple sclerosis, damage to the nervous tissue of the spinal cord with objective neurological indication of intractable spasticity, epilepsy or uncontrolled intractable seizure disorder, cachexia, wasting syndrome, Crohn's disease, posttraumatic stress disorder, irreversible spinal cord injury with objective neurological indication of intractable spasticity, cerebral palsy, cystic fibrosis or terminal illness requiring end-of-life care, except, if the qualifying patient is under eighteen years of age, "debilitating medical condition" means terminal illness requiring end-of-life care, irreversible spinal cord injury with objective neurological indication of intractable spasticity, cerebral palsy, cystic fibrosis, severe epilepsy or

uncontrolled intractable seizure disorder, or (B) any medical condition, medical treatment or disease approved for qualifying patients by the Department of Consumer Protection pursuant to regulations adopted under section 21a-408m;

(3) "Institutional animal care and use committee" means a committee that oversees an organization's animal program, facilities and procedures to ensure compliance with federal policies, guidelines and principles related to the care and use of animals in research;

(4) "Institutional review board" means a specifically constituted review body established or designated by an organization to protect the rights and welfare of persons recruited to participate in biomedical, behavioral or social science research;

(5) "Laboratory" means a laboratory located in the state that is licensed to provide analysis of controlled substances pursuant to section 21a-246 and section 10 of this act;

(6) "Laboratory employee" means a person who is (A) licensed as a laboratory employee pursuant to section 10 of this act, or (B) holds a temporary certificate of registration issued pursuant to section 10 of this act;

[(3)**]** (7) "Licensed dispensary" or "dispensary" means a person who is licensed as a dispensary pursuant to section 21a-408h, as amended by this act;

[(4)**]** (8) "Licensed producer" or "producer" means a person who is licensed as a producer pursuant to section 21a-408i;

[(5)**]** (9) "Marijuana" means marijuana, as defined in section 21a-240;

(10) "Nurse" means a person who is licensed as a nurse under chapter 378;

[(6)**]** (11) "Palliative use" means the acquisition, distribution, transfer, possession, use or transportation of marijuana or paraphernalia relating to marijuana, including the transfer of marijuana and paraphernalia relating to marijuana from the patient's primary caregiver to the qualifying patient, to alleviate a qualifying patient's symptoms of a debilitating medical condition or the effects of such symptoms, but does not include any such use of marijuana by any person other than the qualifying patient;

[(7)**]** (12) "Paraphernalia" means drug paraphernalia, as defined in section 21a-240;

[(8)**]** (13) "Physician" means a person who is licensed as a physician under chapter 370, but does not include a physician assistant, as defined in section 20-12a;

[(9)**]** (14) "Primary caregiver" means a person, other than the qualifying patient and the qualifying patient's physician, who is eighteen years of age or older and has agreed to undertake responsibility for managing the well-being of the qualifying patient with respect to the palliative use of marijuana, provided (A) in the case of a qualifying patient (i) under eighteen years of age and not an emancipated minor, or (ii) otherwise lacking legal capacity, such person shall be a parent, guardian or person having legal custody of such qualifying patient, and (B) in the case of a qualifying patient eighteen years of age or older or an emancipated minor, the need for such person shall be evaluated by the qualifying patient's physician and such need shall be documented in the written certification;

[(10)**]** (15) "Qualifying patient" means a person who: **[**is eighteen years of age or older, is**]** (A) Is a resident of Connecticut, **[**and**]** (B) has been diagnosed by a physician as having a debilitating medical condition, and (C) (i) is eighteen years of age or older, (ii) is an emancipated minor, or (iii) has written consent from a custodial parent, guardian or other person having legal custody of such person that indicates that such person has permission from such parent, guardian or other person for the palliative use of marijuana for a debilitating medical condition and that such parent, guardian or other person will (I) serve as a primary caregiver for the qualifying patient, and (II) control the acquisition and possession of marijuana and any related paraphernalia for palliative use on behalf of such person. "Qualifying patient" does not include an inmate confined in a correctional institution or facility under the supervision of the Department of Correction;

(16) "Research program" means a study approved by the Department of Consumer Protection in accordance with this chapter and undertaken to increase information or knowledge regarding the growth, processing, medical attributes, dosage forms, administration or use of marijuana to treat or alleviate symptoms of any medical conditions or the effects of such symptoms;

(17) "Research program employee" means a person who (A) is licensed as a research program employee under section 12 of this act, or (B) holds a temporary certificate of registration issued pursuant to section 12 of this act;

(18) "Research program subject" means a person registered as a research program subject pursuant to section 14 of this act;

[(11)**]** (19) "Usable marijuana" means the dried leaves and flowers of the marijuana plant, and any mixtures or preparations of such leaves and flowers, that are appropriate for the palliative use of marijuana, but does not include the seeds, stalks and roots of the marijuana plant; and

[(12)**]** (20) "Written certification" means a written certification issued by a physician pursuant to section 21a-408c, as amended by this act.

Sec. 2. Subsection (b) of section 21a-408a of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(b) The provisions of subsection (a) of this section do not apply to:

(1) Any palliative use of marijuana that endangers the health or well-being of a person other than the qualifying patient or the primary caregiver; or

(2) The ingestion of marijuana (A) in a motor bus or a school bus or in any other moving vehicle, (B) in the workplace, (C) on any school grounds or any public or private school, dormitory, college or university property, unless such college or university is participating in a research program and such use is pursuant to the terms of the research program, (D) in any public place, or (E) in the presence of a person under the age of eighteen, unless such person is a qualifying patient or research program subject. For the purposes of this subdivision, (i) "presence" means within the direct line of sight of the palliative use of marijuana or exposure to second-hand marijuana smoke, or both; (ii) "public place" means any area that is used or held out for use by the public whether owned or operated by public or private interests; (iii) "vehicle" means a vehicle, as defined in section 14-1; (iv) "motor bus" means a motor bus, as defined in section 14-1; and (v) "school bus" means a school bus, as defined in section 14-1.

Sec. 3. Section 21a-408b of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) No person may serve as a primary caregiver for a qualifying patient (1) unless such qualifying patient has a valid registration certificate from the Department of Consumer Protection pursuant to subsection (a) of section 21a-408d, as amended by this act, and (2) if such person has been convicted of a violation of any law pertaining to the illegal manufacture, sale or distribution of a controlled substance. A primary caregiver may not be responsible for the care of more than one qualifying patient at any time, except that a primary caregiver may be responsible for the care of more than one qualifying patient if the primary caregiver and each qualifying patient have a parental, guardianship, conservatorship or sibling relationship.

(b) A primary caregiver who has a valid registration certificate from the Department of Consumer Protection pursuant to subsection (a) of section 21a-408d, as amended by this act, and complies with the requirements of sections 21a-408 to 21a-408n, inclusive, as amended by this act, shall not be subject to arrest or prosecution, penalized in any manner, including, but not limited to, being subject to any civil penalty, or denied any right or privilege, including, but not limited to, being subject to any disciplinary action by a professional licensing board, for the acquisition, distribution, possession or transportation of marijuana or paraphernalia related to marijuana on behalf of such primary caregiver's qualifying patient, provided (1) the amount of any marijuana so acquired, distributed, possessed or transported, together with the combined amount of usable marijuana possessed by the qualifying patient and the primary caregiver, does not exceed an amount reasonably necessary to ensure uninterrupted availability for a period of one month, as determined by the Department of Consumer Protection pursuant to regulations adopted under section 21a-408m, and (2) such amount is obtained solely within this state from a licensed dispensary. Any person with a valid registration certificate who is found to be in possession of marijuana that did not originate from the selected dispensary may be subject to a hearing before the commissioner for possible enforcement action concerning the registration certificate issued by the department. For the purposes of this subsection, "distribution" or "distributed" means the transfer of marijuana and paraphernalia related to marijuana from the primary caregiver to the qualifying patient.

(c) A dispensary shall not dispense any marijuana product in a smokable, inhalable or vaporizable form to a primary caregiver for a qualifying patient who is under eighteen years of age.

Sec. 4. Section 21a-408c of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) A physician may issue a written certification to a qualifying patient that authorizes the palliative use of marijuana by the qualifying patient. Such written certification shall be in the form prescribed by the Department of Consumer Protection and shall include a statement signed and dated by the qualifying patient's physician stating that, in such physician's professional opinion, the qualifying patient has a debilitating medical condition and the potential benefits of the palliative use of marijuana would likely outweigh the health risks of such use to the qualifying patient.

(b) Any written certification for the palliative use of marijuana issued by a physician under subsection (a) of this section shall be valid for a period not to exceed one year from the date such written certification is signed and dated by the physician. Not later than ten calendar days after the expiration of such period, or at any time before the expiration of such period should the qualifying patient no longer wish to possess marijuana for palliative use, the qualifying patient or the primary caregiver shall destroy all usable marijuana possessed by the qualifying patient and the primary caregiver for palliative use.

(c) A physician shall not be subject to arrest or prosecution, penalized in any manner, including, but not limited to, being subject to any civil penalty, or denied any right or privilege, including, but not limited to, being subject to any disciplinary action by the Connecticut Medical Examining Board or other professional licensing board, for providing a written certification for the palliative use of marijuana under subdivision (1) of subsection (a) of section 21a-408a if:

(1) The physician has diagnosed the qualifying patient as having a debilitating medical condition;

(2) The physician has explained the potential risks and benefits of the palliative use of marijuana to the qualifying patient and, if the qualifying

patient lacks legal capacity, to a parent, guardian or person having legal custody of the qualifying patient;

(3) The written certification issued by the physician is based upon the physician's professional opinion after having completed a medically reasonable assessment of the qualifying patient's medical history and current medical condition made in the course of a bona fide physician-patient relationship; and

(4) The physician has no financial interest in a dispensary licensed under section 21a-408h, as amended by this act, or a producer licensed under section 21a-408i.

(d) A nurse shall not be subject to arrest or prosecution, penalized in any manner, including, but not limited to, being subject to any civil penalty, or denied any right or privilege, including, but not limited to, being subject to any disciplinary action by the Board of Examiners for Nursing, or other professional licensing board, for administering marijuana to a qualifying patient or research program subject in a hospital or health care facility licensed by the Department of Public Health.

Sec. 5. Section 21a-408d of the 2016 supplement to the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) Each qualifying patient who is issued a written certification for the palliative use of marijuana under subdivision (1) of subsection (a) of section 21a-408a, and the primary caregiver of such qualifying patient, shall register with the Department of Consumer Protection. Such registration shall be effective from the date the Department of Consumer Protection issues a certificate of registration until the expiration of the written certification issued by the physician. The qualifying patient and the primary caregiver shall provide sufficient identifying information, as determined by the department, to establish the personal identity of the qualifying patient and the primary caregiver. If the qualifying patient is under eighteen years of age and not an emancipated minor, the custodial parent, guardian or other person having legal custody of the qualifying patient shall also provide a letter from both the qualifying patient's primary care provider and a physician who is board certified in an area of medicine involved in the treatment of the debilitating

condition for which the qualifying patient was certified that confirms that the palliative use of marijuana is in the best interest of the qualifying patient. A physician may issue a written certification for the palliative use of marijuana by a qualifying patient who is under eighteen years of age, provided such written certification shall not be for marijuana in a dosage form that requires that the marijuana be smoked, inhaled or vaporized. The qualifying patient or the primary caregiver shall report any change in **[**such**]** the identifying information to the department not later than five business days after such change. The department shall issue a registration certificate to the qualifying patient and to the primary caregiver and may charge a reasonable fee, not to exceed twenty-five dollars, for each registration certificate issued under this subsection. Any registration fees collected by the department under this subsection shall be paid to the State Treasurer and credited to the General Fund.

(b) The qualifying patient, or, if the qualifying patient is under eighteen years of age and not an emancipated minor, the custodial parent, guardian or other person having legal custody of the qualifying patient, shall select a licensed, in-state dispensary to obtain the palliative marijuana products at the time of registration. Upon the issuance of the certificate of registration by the department, the qualifying patient, or the qualifying patient's custodial parent, guardian or other person having legal custody of the qualifying patient, shall purchase such palliative marijuana products from such dispensary, except that the qualifying patient, or the qualifying patient's custodial parent, guardian or other person having legal custody of the qualifying patient, may change such dispensary in accordance with regulations adopted by the department. Any person with a valid registration certificate who is found to be in possession of marijuana that did not originate from the selected dispensary may be subject to hearing before the commissioner for possible enforcement action concerning the registration certificate issued by the department.

(c) A dispensary shall not dispense any marijuana products in a smokable, inhalable or vaporizable form to a qualifying patient who is under eighteen years of age.

[(b)**]** (d) Information obtained under this section shall be confidential and shall not be subject to disclosure under the Freedom of Information Act, as defined in section 1-200, except that reasonable access to registry information

obtained under this section and temporary registration information obtained under section 21a-408n, as amended by this act, shall be provided to: (1) State agencies, federal agencies and local law enforcement agencies for the purpose of investigating or prosecuting a violation of law; (2) physicians and pharmacists for the purpose of providing patient care and drug therapy management and monitoring controlled substances obtained by the qualifying patient; (3) public or private entities for research or educational purposes, provided no individually identifiable health information may be disclosed; (4) a licensed dispensary for the purpose of complying with sections 21a-408 to 21a-408n, inclusive, as amended by this act; (5) a qualifying patient, but only with respect to information related to such qualifying patient or such qualifying patient's primary caregiver; or (6) a primary caregiver, but only with respect to information related to such primary caregiver's qualifying patient.

Sec. 6. Section 21a-408h of the 2016 supplement to the general statutes is amended by adding subsection (d) as follows (*Effective October 1, 2016*):

(NEW) (d) On or before January 1, 2017, and annually thereafter, each licensed dispensary shall report data to the Department of Consumer Protection relating to the types, mixtures and dosages of palliative marijuana dispensed by such dispensary. A report prepared pursuant to this subsection shall be in such form as may be prescribed by the Commissioner of Consumer Protection.

Sec. 7. Subsection (a) of section 21a-408j of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) No licensed dispensary or employee of the dispensary may: (1) Acquire marijuana from a person other than a licensed producer; (2) distribute or dispense marijuana to a person who is not (A) a qualifying patient registered under section 21a-408d, as amended by this act, or 21a-408n, as amended by this act; **[**, or**]** (B) a primary caregiver of such qualifying patient; (C) a hospice or other inpatient care facility licensed by the Department of Public Health pursuant to chapter 368v that has protocol for the handling and distribution of marijuana that has been approved by the Department of Consumer Protection; (D) a laboratory; and (E) an organization engaged in a research program; or (3) obtain or transport marijuana outside of this state in violation of state or federal law.

Sec. 8. Subsection (a) of section 21a-408k of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) No licensed producer or employee of the producer may: (1) Sell, deliver, transport or distribute marijuana to a person who is not (A) a licensed dispensary, (B) a laboratory, or (C) an organization engaged in a research program, or (2) obtain or transport marijuana outside of this state in violation of state or federal law.

Sec. 9. Section 21a-408*l* of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) The Commissioner of Consumer Protection shall establish a Board of Physicians consisting of eight physicians or surgeons who are knowledgeable about the palliative use of marijuana and certified by the appropriate American board **[**in one of the following specialties: Neurology, pain medicine, pain management, medical oncology, psychiatry, infectious disease, family medicine or gynecology**]** in the medical specialty in which they practice, at least one of whom shall be a board certified pediatrician appointed in consultation with the Connecticut Chapter of the American Academy of Pediatrics. Four of the members of the board first appointed shall serve for a term of three years and four of the members of the board first appointed shall serve for a term of four years. Thereafter, members of the board shall serve for a term of four years and shall be eligible for reappointment. Any member of the board may serve until a successor is appointed. The Commissioner of Consumer Protection shall serve as an ex-officio member of the board, and shall select a chairperson from among the members of the board.

(b) A quorum of the Board of Physicians shall consist of **[**three**]** four members.

(c) The Board of Physicians shall:

(1) Review and recommend to the Department of Consumer Protection for approval the debilitating medical conditions, medical treatments or diseases to be added to the list of debilitating medical conditions that qualify for the palliative use of marijuana for qualifying patients eighteen years of age or older;

(2) Review and recommend to the Department of Consumer Protection for approval any illnesses that are severely debilitating, as defined in 21 CFR 312.81(b), to be added to the list of debilitating medical conditions that qualify for the palliative use of marijuana for qualifying patients under eighteen years of age, taking into account, among other things, the effect of the palliative use of marijuana on the brain development of such patients;

[(2)**]** (3) Accept and review petitions to add medical conditions, medical treatments or diseases to the list of debilitating medical conditions that qualify for the palliative use of marijuana;

[(3)**]** (4) Convene at least twice per year to conduct public hearings and to evaluate petitions, which shall be maintained as confidential pursuant to subsection **[**(d)**]** (e) of this section, for the purpose of adding medical conditions, medical treatments or diseases to the list of debilitating medical conditions that qualify for the palliative use of marijuana;

[(4)**]** (5) Review and recommend to the Department of Consumer Protection protocols for determining the amounts of marijuana that may be reasonably necessary to ensure uninterrupted availability for a period of one month for qualifying patients, including amounts for topical treatments; and

[(5)**]** (6) Perform other duties related to the palliative use of marijuana upon the request of the Commissioner of Consumer Protection.

(d) The Board of Physicians may review the list of debilitating medical conditions that qualify for the palliative use of marijuana and make recommendations to the joint standing committees of the General Assembly having cognizance of matters relating to general law and public health for the removal of a debilitating medical condition, medical treatment or disease from such list.

[(d)**]** (e) Any individually identifiable health information contained in a petition received under this section shall be confidential and shall not be subject to disclosure under the Freedom of Information Act, as defined in section 1-200.

Sec. 10. (NEW) (*Effective October 1, 2016*) (a) Except as provided in subsection (b) of this section, no person may act as a laboratory employee or represent

that such person is a licensed laboratory employee unless such person has obtained a license from the Commissioner of Consumer Protection pursuant to this section.

(b) Prior to the effective date of regulations adopted under this section, the Commissioner of Consumer Protection may issue a temporary certificate of registration to a laboratory employee. The commissioner shall prescribe the standards, procedures and fees for obtaining a temporary certificate of registration as a laboratory employee.

(c) The Commissioner of Consumer Protection shall adopt regulations, in accordance with chapter 54 of the general statutes, to (1) provide for the licensure of laboratories and laboratory employees, (2) establish standards and procedures for the revocation, suspension, summary suspension and nonrenewal of laboratory and laboratory employee licenses, provided such standards and procedures are consistent with the provisions of subsection (c) of section 4-182 of the general statutes, (3) establish a license and renewal fee for each licensed laboratory and licensed laboratory employee, provided the aggregate amount of such license and renewal fees shall not be less than the amount necessary to cover the direct and indirect cost of licensing and regulating laboratories and laboratory employees in accordance with the provisions of chapter 420f of the general statutes, and (4) establish other licensing, renewal and operational standards deemed necessary by the commissioner.

(d) Any fees collected by the Department of Consumer Protection under this section shall be paid to the State Treasurer and credited to the General Fund.

Sec. 11. (NEW) (*Effective October 1, 2016*) (a) No laboratory employee may (1) acquire marijuana from a person other than a licensed producer, licensed dispensary or organization engaged in a research program, (2) deliver, transport or distribute marijuana to (A) a person who is not a licensed dispensary, (B) a person who is not a licensed producer, or (C) an organization not engaged in a research program, or (3) obtain or transport marijuana outside of this state in violation of state or federal law.

(b) (1) No laboratory employee acting within the scope of his or her employment shall be subject to arrest or prosecution, penalized in any manner, including, but not limited to, being subject to any civil penalty, or

denied any right or privilege, including, but not limited to, being subject to any disciplinary action by a professional licensing board, for acquiring, possessing, delivering, transporting or distributing marijuana to a licensed dispensary, a licensed producer or an organization engaged in an approved research program under the provisions of chapter 420f of the general statutes.

(2) No laboratory shall be subject to prosecution, penalized in any manner, including, but not limited to, being subject to any civil penalty or denied any right or privilege, for acquiring, possessing, delivering, transporting or distributing marijuana to a licensed dispensary, a licensed producer or an organization engaged in an approved research program under the provisions of chapter 420f of the general statutes.

Sec. 12. (NEW) (*Effective October 1, 2016*) (a) The Commissioner of Consumer Protection may approve a research program if such research program will (1) be administered or overseen by (A) a hospital or health care facility licensed by the Connecticut Department of Public Health pursuant to chapter 368v of the general statutes, (B) an institution of higher education, as defined in section 10a-55 of the general statutes, (C) a licensed producer, or (D) a licensed dispensary, and (2) have institutional review board oversight and, if the research program involves the use of animals, have an institutional animal care and use committee.

(b) Except as provided in subsection (c) of this section, no person may act as a research program employee or represent that such person is a licensed research program employee unless such person has obtained a license from the Commissioner of Consumer Protection pursuant to this section.

(c) Prior to the effective date of regulations adopted under this section, the Commissioner of Consumer Protection may issue a temporary certificate of registration to a research program employee. The commissioner shall prescribe the standards, procedures and fees for obtaining a temporary certificate of registration as a research program employee.

(d) The Commissioner of Consumer Protection shall adopt regulations, in accordance with chapter 54 of the general statutes, to (1) provide for the approval of research programs and licensure of research program employees, (2) establish standards and procedures for the termination or suspension of a research program, (3) establish standards and procedures for the revocation,

suspension, summary suspension and nonrenewal of a research program employee license, provided such standards and procedures are consistent with the provisions of subsection (c) of section 4-182 of the general statutes, (4) establish a (A) fee for research program review and approval, and (B) license and renewal fee for each research program employee, provided the aggregate amount of such fees shall not be less than the amount necessary to cover the direct and indirect cost of approving research programs and licensing and regulating research program employees pursuant to the provisions of chapter 420f of the general statutes, and (5) establish other licensing, renewal and operational standards deemed necessary by the commissioner.

(e) Any fees collected by the Department of Consumer Protection under this section shall be paid to the State Treasurer and credited to the General Fund.

Sec. 13. (NEW) (*Effective October 1, 2016*) (a) No research program or research program employee may (1) acquire marijuana from a person other than a licensed producer, licensed dispensary or laboratory, (2) deliver, transport or distribute marijuana to a person who is not (A) a licensed dispensary, (B) a licensed producer, or (C) a research program subject, (3) distribute or administer marijuana to an animal unless such animal is an animal research subject, or (4) obtain or transport marijuana outside of this state in violation of state or federal law.

(b) No research program employee acting within the scope of his or her employment shall be subject to arrest or prosecution, penalized in any manner, including, but not limited to, being subject to any civil penalty, or denied any right or privilege, including, but not limited to, being subject to any disciplinary action by a professional licensing board, for acquiring, possessing, delivering, transporting or distributing marijuana to a licensed dispensary, a licensed producer or a research program subject or distributing or administering marijuana to an animal research subject under the provisions of chapter 420f of the general statutes.

Sec. 14. (NEW) (*Effective October 1, 2016*) (a) Any person seeking to participate as a research program subject shall register with the Department of Consumer Protection prior to participating in an approved research program. The Commissioner of Consumer Protection shall prescribe the standards and

procedures for obtaining a certificate of registration as a research program subject.

(b) A research program subject who has a valid registration certificate from the Department of Consumer Protection and is acting within the scope of his or her involvement in an approved research program shall not be subject to arrest or prosecution, penalized in any manner, including, but not limited to, being subject to any civil penalty or denied any right or privilege, including, but not limited to, being subject to any disciplinary action by a professional licensing board, for the use of marijuana.

(c) The provisions of subsection (b) of this section do not apply to:

(1) Any use of marijuana that endangers the health or well-being of a person other than the research program subject or a research program employee; or

(2) The ingestion of marijuana (A) in a motor bus or a school bus or in any other moving vehicle, (B) in the workplace, (C) on any school grounds or any public or private school, dormitory, college or university property unless such college or university is participating in a research program and such use is pursuant to the terms of the research program, (D) in any public place, or (E) in the presence of a person under eighteen years of age unless such person is a qualifying patient or research program subject. For purposes of this subdivision, (i) "presence" means within the direct line of sight of the palliative use of marijuana or exposure to second-hand marijuana smoke, or both; (ii) "public place" means any area that is used or held out for use by the public, whether owned or operated by public or private interests; (iii) "vehicle" means a vehicle, as defined in section 14-1 of the general statutes; (iv) "motor bus" means a motor bus, as defined in section 14-1 of the general statutes; and (v) "school bus" means a school bus, as defined in section 14-1 of the general statutes.

(d) Information obtained under this section shall be confidential and shall not be subject to disclosure under the Freedom of Information Act, as defined in section 1-200 of the general statutes, except that reasonable access to registry information obtained under this section shall be provided to (1) state agencies, federal agencies and local law enforcement agencies for the purpose of investigating or prosecuting a violation of law, (2) physicians and pharmacists for the purpose of providing patient care and drug therapy management and

monitoring controlled substances obtained by the research program subject, (3) public or private entities for research or educational purposes, provided no individually identifiable health information may be disclosed, (4) a licensed dispensary for the purpose of complying with sections 21a-408 to 21a-408n, inclusive, of the general statutes, as amended by this act, or (5) a research program subject, but only with respect to information related to such research program subject.

Sec. 15. Subsection (a) of section 21a-408n of the general statutes is repealed and the following is substituted in lieu thereof (*Effective October 1, 2016*):

(a) During the period beginning on October 1, 2012, and ending thirty calendar days after the effective date of regulations adopted pursuant to section 21a-408m, a qualifying patient who would be determined to be eligible for a registration certificate pursuant to subsection (a) of section 21a-408d, as amended by this act, except for the lack of effective regulations concerning licensed dispensaries, licensed producers, distribution systems and amounts of marijuana, may obtain a written certification from a physician and upon presenting the written certification to the Department of Consumer Protection, the department shall issue a temporary registration certificate for the palliative use of marijuana. The department shall indicate on such temporary registration certificate the amount of usable marijuana that constitutes a one month supply which may be possessed pursuant to such temporary registration certificate. The department shall maintain a list of all temporary registration certificates issued pursuant to this section and the information on such list shall be confidential and shall not be subject to disclosure under the Freedom of Information Act, as defined in section 1-200, except that such information may be disclosed in the manner set forth in subsection **[**(b)**]** (d) of section 21a-408d, as amended by this act.